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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

\*\*\*\*\*

ELMO AUGUSTUS REID, )  
Plaintiff, )  
 )  
-vs- ) Case No. 7:16-cv-00547  
 )  
MARK AMONETTE, et al., )  
Defendants. )  
 )

\*\*\*\*\*

DEPOSITION OF ELMO AUGUSTUS REID, JR.

1:29 p.m. to 3:26 p.m.

April 24, 2018

Dillwyn, Virginia

Job No. 36493

REPORTED BY: Julia A. Bammel, RPR, CSR

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1 witness -- by the court reporter. Do you understand that  
2 that oath carries the same weight as if you were  
3 testifying at trial or before a judge today?

4 A Yes, ma'am.

5 Q Okay. Can you please state your full name for  
6 the record.

7 A Elmo Augustus Reid, Jr.

8 Q And you are currently incarcerated at  
9 Buckingham Correctional Center, correct?

10 A Correct.

11 Q And how long have you actually been housed at  
12 this facility?

13 A 29 and three-quarters of a year.

14 Q Okay.

15 A Pretty close to that.

16 Q And prior to that, where were you  
17 incarcerated?

18 A For this particular offense?

19 Q For this particular offense, yes.

20 A I was in Lynchburg City Jail.

21 Q Lynchburg.

22 And with regard to the offense that is why  
23 you're incarcerated, can you give me some background on  
24 that? What was the charge?

25 A I was charged with rape and robbery, breaking

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1 history? When you -- you said you were previously  
2 incarcerated. Can you give me those instances when you  
3 were incarcerated?

4 A I got -- my first incarceration was 1970 -- I  
5 think it was '75, I think, and I got my GED in 1977.

6 Q And that incarceration, what was the  
7 underlying offense?

8 A Breaking and entering.

9 Q And what was the -- what was the --

10 A I had a ten-year sentence for that.

11 Q Thank you.

12 And you had your GED. And where was -- you  
13 got your GED, and where were you incarcerated?

14 A Repeat the question.

15 Q I'm sorry. Where were you incarcerated when  
16 you got your GED?

17 A Harrisonburg Correctional Center.

18 Q And prior to the 1975 incarceration, had you  
19 been incarcerated prior to that?

20 A Yes. I had been -- reform school, I went  
21 there.

22 Q Okay. And what year was that, or how old were  
23 you, I guess?

24 A Let me see. That was a while back. I think  
25 that was in '70 maybe. I can't remember exactly.

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1 condition currently?

2 A I have hepatitis C. I'm suffering from it  
3 both physically and mentally.

4 Q Do you have any other chronic conditions?

5 A I have joint pains throughout my body. I  
6 have -- I experience exhaustion. I mean, I'm tired all  
7 the time. I'm exhausted a lot, and it hits me in waves,  
8 so I have to go lay down a lot.

9 Q Do you have any other diagnoses other than  
10 hep --

11 MR. FISHWICK: If he could just finish his  
12 answer.

13 MS. MULDOWNEY: I'm sorry.

14 MR. FISHWICK: I don't know if he's finished.

15 MS. MULDOWNEY: Pardon me.

16 MR. FISHWICK: I don't know if you finished.

17 BY MS. MULDOWNEY:

18 Q I don't mean to cut you off.

19 A I have pains in my lower stomach areas. I  
20 have passed out a few times. I woke up in medical. And  
21 I get dizzy a lot.

22 Q Okay. And so do you have any other diagnoses  
23 other than hepatitis C, other medical conditions that  
24 have been diagnosed?

25 A No.

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1 Q Have you been diagnosed with being hepatitis B  
2 positive?

3 A Yes, I have been diagnosed. That was before I  
4 came to prison.

5 Q Okay. And when -- strike that.

6 With respect to your hepatitis, you said you  
7 had the hepatitis B diagnosis before you came to prison.

8 When were you first told that you suffered from  
9 hepatitis C?

10 A I had it, and I didn't know I had it, so I was  
11 first told in 1987 at Petersburg Mental Health Forensic  
12 Ward. That's where I was at. That's when I was  
13 officially told what it was.

14 Q And did you -- at that point, were you  
15 symptomatic in 1987? Did you have any symptoms of  
16 hepatitis C?

17 A No. I mean -- C or B?

18 Q I'm sorry. Did you said that you were  
19 formally diagnosed in 1987 with hepatitis C?

20 A No. I was told I had it.

21 Q Told that you had it.

22 A Yes. But I had it in '72, I think. '73, '72,  
23 I think I had it then, because I experienced medical  
24 issues, but I didn't know what it was.

25 Q So in 1972 you experienced medical issues that

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1 you associated with the hepatitis C once you got the  
2 diaqnosis?

3           A       Well, I never got treated for it. I just -- I  
4    was in -- I was in vocational school, and my eyes turned  
5    yellow, I lost all my energy, my urine was orange, and I  
6    was bedridden for about three months, but I was too  
7    afraid to go to see a doctor or anything, so I didn't  
8    know what it was. And then one day it just went away.

9 Q And you said that was in 1972 while you were  
10 in vocational school?

11 A Uh-huh.

12 Q What --

13 A I was at Woodrow Wilson Rehabilitation Center.

14 Q And I apologize for not knowing what that is,  
15 but what kind of a facility is that? Is that --

16 A I voluntarily went there to learn a trade.

17 Q And what trade did you --

18 A Welding.

19 Q Did you subsequently work in that trade as a  
20 welder?

21 A Uh-huh. Yes. Yes.

22 Q And -- strike that. I'm sorry.

23 You were a welder in 1972. Is that how --  
24 when you were working in between your incarceration --  
25 times of incarceration, were you also working as a

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1 point did you request additional treatment from the DOC?

2 A The same day. When they took me off that, I  
3 asked for -- to be -- Dr. Martinez told me that -- I  
4 asked him, could I be -- get that same treatment again,  
5 and he said he could not give me that treatment again.

6 Q When you say "that treatment," you mean the  
7 interferon?

8 A Interferon and ribavirin, because I wanted to  
9 be treated. And he said I had to wait for the new drug  
10 to come out, which was coming, and he told me to start  
11 communicating with himself and Dr. Amonette.

12 Q And what do you mean? You said he told you to  
13 start communicating with him and --

14 A Stay in touch with him and write Dr. Amonette,  
15 which was in Richmond, and request the treatment from  
16 him.

17 Q And what -- you said a drug. What drugs were  
18 you talking about?

19 A The new hepatitis C medication.

20 Q And at that time -- I'm sorry. Just to back  
21 up, I think you said you asked Dr. Martinez immediately  
22 if you could start additional treatment, and he told you  
23 exactly what? Just to keep checking in with him?

24 A Right.

25 Q And why was that?

Page 16

1 A Because I had asked him for -- to continue  
2 treatment. He said he couldn't give me that same drug  
3 again and for me to stay in touch because there was a new  
4 drug coming out that would cure me.

5 Q So he just -- he explained to you there were  
6 new drugs coming on the market and to keep in touch with  
7 him --

8 A Uh-huh.

9            0        -- for treatment in the future?

10 A (Nodding head.)

11 Q Yes?

12 A Yes.

13 Q I'm sorry.

14 A Yes.

15 Q I should have explained just to verbalize your  
16 answers so that she can take it down.

17 A Yes.

18 Q Okay. And that was in 2014. At that time, do  
19 you know what the status of the hepatitis C -- whether  
20 the DOC was treating people with hepatitis C in 2014, or  
21 had they suspended treatment?

22 A They wrote me back saying my -- both my --  
23 Dr. Martinez and Dr. Amonette told me the treatment has  
24 been suspended. My treatment was suspended.

25 Q Your treatment was suspended?

Page 17

1 A Uh-huh.

2 Q And based on the new drugs coming on the  
3 market?

4           A       Right. They said when the new drugs -- based  
5   on the new drugs coming onto the market.

6 Q Okay. And so when did you finally -- or let  
7 me back up. When -- do you know when that suspension of  
8 the treatment was lifted in the DOC?

9 A Yes.

10 Q When was that?

11           A       I wrote them several different letters, and  
12      then in March of 2015, he told me that the treatment --  
13      the drug had been made available, and I should sign back  
14      up for sick call and ask for the drug, and I did so.

15 Q And who was that that wrote you back? Was  
16 that Dr. Martinez --

17 A Dr. --

18                    -- or Amonette?

19 A Dr. Amonette.

20 (Deposition Exhibit 103 marked.)

21 BY MS. MULDOWNEY:

22 Q I'll give you a second to take a look at that.

23 A Uh-huh. This is the first letter, yes.

24 Q So what I've put in front of you is

25 Exhibit 102 --

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1 THE COURT REPORTER: 103.

2 MS. MULDOWNEY: I'm sorry.

3 BY MS. MULDOWNEY:

4 Q -- 103, and on the bottom it's got a Bates  
5 number of Reid000098. And is this the letter you are  
6 referencing from Dr. Amonette where he advised you that  
7 they had lifted the suspension of the hepatitis C  
8 treatment?

9 A Yes.

10 Q And in this letter, he advises you to submit a  
11 sick call and ask to be evaluated for retreatment,  
12 correct?

13 A Yes.

14 Q And did you, in fact, do that?

15 A Yes.

16 Q And if you can just look at page 2 and give  
17 that a read.

18 A Uh-huh.

19 Q This is a letter to you from Melissa Welch,  
20 Correspondence Unit Manager at the DOC; is that correct?

21 A Yes.

22 Q And the Bates number is Reid000098. Did  
23 you -- was the same letter that you sent to Dr. Amonette  
24 responded to by Ms. Welch, or did you send her a separate  
25 letter?

Page 19

1                  A        Oh, I never wrote her directly. I wrote  
2 Dr. Amonette another letter, and this person answered.

3 Q Okay. And what did that letter consist of?  
4 What did it say?

5 A I had signed up for sick call, and they  
6 wasn't -- they was telling me here they're not going to  
7 treat me, so I was complaining to him about it.

8 Q Okay. And who was telling you they weren't  
9 going to treat you?

10 A Ms. Shipp. Or her last -- back then her name  
11 was Sargent.

12 Q Did you receive a separate response from  
13 Dr. Amonette to that letter, or did it just come from  
14 Ms. Welch?

15 A One of these letters came.

16 Q Okay. So you didn't receive a second letter  
17 from Dr. Amonette? This was the response you got to that  
18 letter?

19 A I think so, yes.

20 Q Okay. Now, when you submitted a sick call to  
21 be seen, were you seen by the physician, or did you --  
22 were you only seen by a nurse?

23 A You go see the nurse first. They take your  
24 temperature and blood pressure, then they schedule you  
25 for an appointment with the doctor. A week or two later

Page 20

1 you come see the doctor. So I did. I came to see the  
2 doctor.

3 Q So you saw -- was that Dr. Moreno?

4 A I believe it was Dr. Moreno at that time now.

5 Q Okay. And did he do any testing or order any  
6 blood work to evaluate you for treatment?

7           A       I also seen Ms. Shipp too, or Ms. Sargent, and  
8 both of them together told me, "You're not eligible for  
9 treatment. We're not going to give you treatment."

10 Q So did he, in fact, do labs or do any other  
11 evaluation when he saw you?

12                  A        I think -- I think some labs was done. I  
13 believe so.

14 Q And you said he indicated that they would not  
15 be treating you. Do you know -- did they tell you why?

16 A They said my APRI score was not high enough.

Q And do you know what the APRIL score is?

18 A At that time, I did not know what they was

19 talking about.

20 O Do

21 A Not really.

22                    0        Okay. Fair

Do you know what the

24 is for the DOC or was at that time in March, 2015?

— 5 —

Page 21

1 Q Did you ask them to explain to you why you  
2 were not eligible for treatment?

3 A Yes.

4 Q And what did they say?

5 A Ms. Shipp kept just saying, "You're not  
6 eligible. Your blood work is not" -- "Your scores are  
7 not high enough. You're not this, and you're not" -- I  
8 kept saying, "I'm sick. What do you mean?" And so we'd  
9 go back and forth over that, and she never -- I never did  
10 get any clear answers as to -- because I'm saying, "I'm  
11 sick. What are you talking about?" And so it was never  
12 really fully explained to me that -- about why I couldn't  
13 get treatment other than my scores were not high enough.

14 Q Okay. Have you seen a copy of the DOC  
15 guideline for treatment for hepatitis C?

16 A I have. Not at that time, but I have.

17 Q But you have since then?

18 A I have since then.

19 Q I'm sure that doesn't make it any clearer,  
20 because that's kind of -- it's still very complicated.  
21 Do you know what your APRI score was at the time?

22 A It was -- it was a couple percentages off from  
23 being eligible for treatment. I think it was up -- it  
24 was pretty high, from what they told me, but I had to get  
25 a little higher before I was treated, receive treatment.

Page 23

1 Q Can you read what you've written as the nature  
2 of your complaint?

3 A [As read] "I have hepatitis C, coinfected  
4 with hepatitis B and cirrhosis of the liver as a result  
5 of this infection. The medical condition deemed an  
6 objective serious need for treatment, so I was given  
7 anti-viral medication. Notwithstanding the medication,  
8 failed to eliminate the infection. Subsequently, I was  
9 informed further treatment held in abeyance pending new  
10 HCV protocol. On 6/9/15 I was notified new protocol made  
11 my condition ineligible for further HCV treatment or  
12 receive community standard of care treatment; therefore,  
13 I will not receive any HCV treatment. I still have the  
14 infection and cirrhosis spreading and deteriorating my  
15 liver, and I'm left to suffer the process of irreversible  
16 damage, the psychological and physical symptoms  
17 associated with this illness without medical help from  
18 the Department of Corrections."

19 Q And at this time, on 6/22/15 -- I think you've  
20 already testified to this, but just to clarify -- you did  
21 not -- you didn't know specifically what those  
22 requirements were for treatment?

23 A No, other than -- what do you mean? Other  
24 than I was sick, and I wanted treatment.

25 Q Right. But when it says you've been told that

Page 24

1 you don't meet the requirements, you didn't know  
2 specifically what the DOC requirements were?

3 A Oh, no, I did not.

4 Q In your nature of the complaint, you indicate  
5 that you have cirrhosis.

6 A Yes.

7 Q Who diagnosed you with cirrhosis?

8 A Buckingham medical did.

9 Q When?

10           A         Through some blood work I got back, and it had  
11      it right on there, cirrhosis, F4 cirrhosis. The date,  
12      I'm not sure what the date was, but it was in the  
13      documents.

14 Q Would that have been prior to you initiating  
15 the interferon --

16 A Yes.

17 Q -- treatment?

18 A It was prior to me receiving interferon.

19 Q Once you received this back from

20 Ms. Sargent -- and if you would go ahead and just read  
21 her response.

22 A "As per your lab results, you are not approved  
23 nor need the new hep C treatment as you do not meet the  
24 requirements."

Q Would you have had a separate conversation

Page 25

1 with Ms. Shipp after you filed this? Would she have  
2 spoken to you about this?

3           A       I think I had a conversation with her  
4 before -- well, I did have a conversation with her. I'm  
5 not sure if it was before or after this.

6 Q What was that conversation?

7           A        "Why can't I get treatment and what are you  
8 talking about?" And she was trying to explain to me  
9 something about my scores didn't -- didn't satisfy the  
10 treatment -- I mean the approval for the treatment.

11 Q And this is a separate conversation than the  
12 one you said you had with Dr. Moreno and Ms. Shipp?

13           A       Well, we went to her office first, and then we  
14   went in with Dr. Moreno, all of us together. And they  
15   were just sitting there trying to tell me something, and  
16   I'm saying, "Wait a minute. I want to be treated. What  
17   are you all talking about?" And so ...

18 O And you're not certain of when that was?

19           A       This was done in -- 6/23/15 -- it may have  
20   occurred before this or right after it. I know it was  
21   pretty close to it.

22 (Deposition Exhibit 104 marked.)

THE WITNESS: Yeah. I was mad now.

24 BY MS. MULDOWNEY:

Q Okay. What I've put in front of you is

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1 Exhibit 104, and the Bates number is Reid000003 through  
2 0006, and if you want to just take a second to look  
3 through all those documents, maybe that will -- we can go  
4 a little faster.

5 A Oh, yeah. Uh-huh. I remember this.

6 Q Okay. Have you had a second to look at it?

7 A Uh-huh.

8 Q Okay. And the first page is a regular  
9 grievance; is that correct?

10 A Correct.

11 Q Okay. And can you read what your -- the  
12 nature of your complaint is?

13           A       [As read]   "Various medical personnel has  
14   engaged in a concert, systematic, purposeful denial of  
15   treatment of this hepatitis" -- I mean "HCV-infection  
16   offender denying him request for treatment" -- "treating  
17   his condition (see attachment), where he now must wait  
18   until he develop advanced fibrosis or cirrhosis forcing  
19   him to satisfy enumerable and even changing  
20   administrative hurdles before treatment. Consequently,  
21   the physician failed and continue to fail to exercise an  
22   independent judgment with respect to the diagnosis and  
23   treatment from the mathematical equation of the new  
24   protocol which encourage I still suffer irreversible  
25   liver damage."

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1 Q Okay. And when you're talking about the  
2 medical personnel engaging in concerted, systemic denial  
3 of treatment, who are you talking about?

4 A I think it was Dr. Martinez or Dr. Moreno and  
5 Ms. Shipp. Both of them together was always working  
6 against me, it felt like.

7 Q And how so?

8 A They kept saying, "No. No. No. No. You  
9 can't be treated. You got hepatitis C, but we're not  
10 going to treat you."

11 Q Do you know who develops the guidelines for  
12 treatment of hepatitis C in the DOC?

13 A I now know.

14 Q Who would that be?

15 A Dr. Amonette.

16 Q You did not know that back then?

17 A Well, I wrote him, and he wrote me back and  
18 told me, "We can't deny you treatment until we do further  
19 testing." So that's when I wrote this, because they had  
20 been telling me, "We" -- they didn't do any more testing,  
21 and they wouldn't -- and so I wrote him, and he said,  
22 "Well, we can't" -- "It was a gray area as to how far  
23 along you was, so we've got to do more testing on you."

24 And that's why I responded right here on  
25 page 2. I said [as read] "BKCC medical personnel

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1 initially denied me access to the new HCV treatment  
2 citing protocol denies me further treatment. However,  
3 after the filed complaint on 7/6/15, Dr. Amonette advised  
4 me before a medical determination for HCV treatment can  
5 be made, further testing is required. There are two  
6 separate hep C medical policies at work here. Buckingham  
7 medical personnel enjoin the cirrhosis test" --

8                   Which is the blood work. I looked that up  
9 before I wrote it out.

10 -- "exclusion of policy to test the  
11 progression and damage of the infectious" -- "2015" -- I  
12 don't know what happens here -- "caused the organ. And  
13 BKCC policy puts at risk my health and ignores the  
14 standard of care compatible to communities care."

15 Q And you're reading from page --

16 A 1 and 2.

17 Q Well, the portion you just read is from the  
18 second page, which is the offender grievance response,  
19 Level 1; is that correct?

20 A Yes.

21 Q Okay. And that -- is that the response that  
22 you received from the regular grievance?

23           A       Well, they had denied me treatment, so I  
24 complained to Dr. Amonette about it, and then he  
25 responded and said, "We can't" -- "We have to do further

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1 testing before we can deny you treatment." So I attached  
2 that letter and filed this.

3 Q You attached the letter that --

4 A Dr. Amonette.

5 Q -- that you sent to Dr. Amonette?

6 A Uh-huh. To this. Is it on here?

7 Q No, it's not.

8 A I got it on here, see attachment. "See letter  
9 attached," right here.

10 Q I see that.

11 A And they was denying me treatment flat out,  
12 just across the board, "No. No. You're not going to get  
13 treated." But he -- and they didn't test me neither. So  
14 I used his letter to show that, "You're saying one thing.  
15 They're saying another. What's going on?"

16 Q And so in this response, the Level 1 response,  
17 can you take a look at that and -- it's the second page.

18 A Yes. Okay.

19 Q If you look at the --

20 A "Based on the information provided and upon  
21 further investigation, I concur with Level 1 response" --

22 Q I'm sorry. Back to Level 1. I'm sorry.

23 A Where are we at? Right here?

24 Q No. Level 1. I'm sorry. That one right  
25 there.

Page 30

1 A Okay. It's Moreno. Okay. I see it. Yeah.

Q So the response, the Level 1 response,

3 indicated that you were, in fact, being scheduled for a  
4 FibroScan.

5 A Let's see. Oh, Dr. Moreno ordered the  
6 FibroScan, right. That's what's the attached letter.

7 The medical staff here denied me further testing and  
8 treatment. When I wrote him, he came back and ordered  
9 the FibroScan before they could deny me any treatment.

10 Q So Dr. Moreno was a physician here at  
11 Buckingham?

12 A At that time, yes.

13 Q And so he did refer you for a FibroScan at  
14 VCU?

15 A Dr. Moreno -- Dr. Amonette referred me to --  
16 well, he told Dr. Moreno to do it, yes.

17 Q And were you told -- were you told that that  
18 test would determine whether or not you get treatment or  
19 not?

20           A       No. They said that test would determine how  
21 hard my liver was, something like that.

22 Q Okay. Do you know the difference between a  
23 FibroScan and a FibroSure?

24 A No.

25 O Okay. So you appealed that to the Level 2 as

Page 31

1 well?

2 A Well, I hadn't got the scan yet. Let me see.

3 He did not provide -- let's see. Wait a minute. What  
4 did they say? Okay. [As read] "Nurse Sargent spoke with  
5 Moreno at the facility on 7/13. He did not provide to  
6 her that he would be referred to VCU Medical for a scan.

7 Upon the result of this test, a determination of your  
8 eligible for treatment or not will be made." Right.

9 Well, after I took the test, they said no again. "You're  
10 not going to be treated."

11 Q So do you know when you had the -- that test?  
12 When was that conducted, if you know?

13 A No --

14 Q It's okay if you don't know off the top of  
15 your head?

16 A -- I don't know the date.

17 Q Sure. You can just put that aside.

18 You said you weren't sure when you got the  
19 FibroScan. Would October, 2015, sound about right when  
20 they sent you to VCU?

21 A Okay. That was in June. That response was in  
22 July. It was shortly afterwards. Okay. Doesn't sound  
23 far off.

24 Q And I'm sorry. I asked you -- I think I asked  
25 you if you knew what a FibroScan was. Do you know what

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1 that's looking at?

2 A What the machine look like?

3 Q Well, no. What it's -- what the test is  
4 trying to assess.

5 A Oh, they was saying it was looking to see how  
6 hard my liver was.

7 Q And do you know what your -- what the  
8 assessment of your liver was from that scan?

9           A         Honestly? They gave me some papers and sent  
10      me back to Buckingham, and I said -- and nobody really  
11      told me what that meant. They -- I had these little  
12      pictures of something. I don't even know what I was  
13      looking at.

14 Q Did you meet with a doctor to go over those  
15 scores, or the test results?

16 A Yeah. He just told me, "You're not approved."  
17 He didn't tell me what I was looking at.

18 Q So do you recall specifically speaking with  
19 Dr. Martinez about the --

20 A I think I was talking to --

21 Q Or was it Moreno?

22 A They kept going back and forth on me so many  
23 times, I don't even know --

24 Q That's okay.

25 A -- which one it was, but I remember getting --

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1 advising you that you had been referred to -- for the  
2 FibroScan at VCU?

3 A Yes.

4 Q And based on that letter from Dr. Amonette,  
5 was it explained to you that whether you would be treated  
6 would be based on that FibroScan and other blood work  
7 done?

8 A No. It was just that letter right there.

9 When I came back from the FibroScan, or the results came  
10 back, they just said, "You're not going to be treated."

11 Q And you say "they." Are you meaning --

12           A       The doctor.  Was it Martinez or Moreno?  I'm  
13  not sure which one it was.

14 Q Okay.

15 A I think it was Martinez.

16 Q And I think you testified that when you came  
17 back, you met with a doctor to go over your score, or  
18 excuse me, your FibroScan?

19 A No. What happened was, I sent for it from the  
20 copy room, or from the medical copy, and I didn't  
21 understand what I'm looking at. So I asked somebody to  
22 explain this to me, and that's when he sat there and said,  
23 "Well, your numbers" -- he went over some numbers and said  
24 that, "Your numbers are not high enough to be treated."  
25 He didn't actually go over the FibroScan with me.

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1 personnel including, but not limited to, Shipp" --  
2 "Defendant Shipp and physicians at Buckingham  
3 Correctional Center, and discussed treatment for his  
4 infection and related medical conditions."

5 Other than the conversations we've already  
6 discussed where you saw Dr. Martinez or Dr. Moreno or  
7 Ms. Shipp, is there any other medical personnel that  
8 you've talked to about your medical condition?

9 A Dr. Amonette. I mean, not physically talked  
10 to him but communications.

11 Q Written communication?

12 A Uh-huh. Dr. Amonette, yes.

13 Q Okay. Interrogatory Number 9, the question  
14 is, "Describe with specificity the conduct of Defendant  
15 Shipp that you contend violated your constitutional  
16 rights with regard to your claims stated in the  
17 complaint."

18 And the answer is, "Pamela Shipp, AKA Pamela  
19 Sargent, is the Health Authority at BCC and thus is  
20 responsible for facilitating treatment for Plaintiff."

21 What -- can you explain to me what you mean by  
22 facilitating treatment for you, what her role is?

23 A Well, Dr. Martinez told me that he could not  
24 approve it; she was the only one that could approve it,  
25 and he -- I had to go through her.

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1 Q Do you know, is Pamela Shipp a nurse?

2 A No. She's the head nurse. I mean, she's the  
3 Health Authority.

4 Q So she's a registered nurse; is that correct?

5 A Oh, I don't know.

6 Q And I'm sorry. You said Dr. Martinez --

7 A Uh-huh.

8 Q -- told you that she and Amonette had to  
9 approve it; is that correct?

10 A He just said her. He wrote it in his medical  
11 notes too. He never called Amonette's name.

12 Q I'm sorry. I thought you testified that  
13 Amonette could approve it. But you do -- you did say  
14 that she is the head nurse, so --

15 A She tells me she's the Health Authority, so  
16 she determines what happens here at Buckingham.

17 Q And what is your understanding of the doctor's  
18 role in treatment of inmates?

19 A Every time I ask him, he says, "What did  
20 Ms. Shipp do? What did Ms. Shipp say? What does she" --  
21 "You've got to ask her."

22 I say, "You're the doctor. I mean, what's  
23 going on with that?"

24 And he says, "Well" -- he would approve it.  
25 Dr. Martinez said, "I would approve it, but Ms. Shipp

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1 won't allow me to do it." He pretty much -- that's  
2 exactly what he told me.

3 Q Do you know when that happened?

4           A       Oh; I would have to go to the -- to the -- he  
5       wrote a lot of stuff down. When we have these  
6       conversations, he'll write in the medical -- I don't know  
7       if he wrote that in there, but I know he wrote that I  
8       need -- that he referred me to the Health Authority.

9 Q Okay. In any of your conversations with  
10 Ms. Shipp, did she explain to you that the doctor is the  
11 one that determines whether your APRI scores meet the  
12 criteria for treatment?

13           A       No. She always said, "Your scores was this or  
14        that, and you're not eligible for treatment," and as I  
15        went -- as I said earlier, I went back and forth with her  
16        over that, "What do you mean? What do you mean?" That's  
17        when she took me to Dr. Moreno, and then he said it too,  
18        like that -- I didn't understand what neither one of them  
19        was saying, but they both wrote it in the medical report.

20 Q Okay. Do you know who Cookie Scott is?

21 A Yes.

22 Q Who is she?

23 A She's the Deputy Director of Administration.

24 Q And what is her role in your medical care here  
25 at Buckingham?

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1 A Yes.

2 Q How did you know that?

3 A Dr. Martinez told me.

4 Q Okay. I'm sorry. I'm trying to find my  
5 other -- it also indicates that "Dr. Amonette has relied,  
6 in part, on the cost of treating hepatitis C in  
7 developing the guidelines for treatment of hepatitis C,  
8 which he, alone, uses to control who can receive  
9 treatment for hepatitis C."

10 So what information or facts do you have that  
11 support the statement that Amonette used cost as a way --  
12 or in developing these guidelines, or relied on cost in  
13 developing these guidelines?

14           A       The only time cost came up to me was Ms. Shipp  
15 told me that I could not -- she told me how much it cost  
16 and told me that that was an issue, you know, that was a  
17 factor. So I said, "Well, let me pay for it."

18                           And she chuckled it off and said, "You  
19    couldn't afford it."

20 Q Well, did she tell you what the cost was?  
21 A Yeah. She said it was around \$90,000 for  
22 treatment.

23 Q And when did -- do you know when she told you  
24 this?

25 A Early on she told me. When the -- right

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1 A That is the nonprofit.

2 Q So Virginia CURE is a nonprofit, and the  
3 publication is Virginia CURE. Okay.

4 A Uh-huh. And I also saw the Deputy Director on  
5 TV saying that because of the money -- he was going to  
6 ask the General Assembly for more money because they  
7 couldn't afford to treat the people, and that was on the  
8 news. That was on Channel 12 news around noon. This was  
9 just before -- you know, this was Harold Clarke. He was  
10 on TV.

11 Q And this is back in 2014-2015?

12 A Uh-huh.

13 Q And you said it was Director Clarke?

14 A Yes. He was talking about the cost of the  
15 medication and how they couldn't -- they didn't have all  
16 the money.

17 Q And did you say he was asking for additional  
18 funds for that?

19           A       He said he was going to the General Assembly  
20       or somewhere over that way to ask for the money because  
21       these guys had a right to be treated. Those were his  
22       exact words. By law, they had to treat us, but -- but  
23       that's the only time I seen the word "cost" being used.

24 (Deposition Exhibit 107 marked.)

25 BY MS. MULDOWNEY:

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1 Q And Warden Booker is not a doctor; is that  
2 correct?

3 A No, that I know of.

4 Q And does he have any say in your medical  
5 treatment here at Buckingham Correctional Center?

6           A       Well, when I filed a grievance -- after I  
7       filed the kite, informal complaint, medical answer to the  
8       informal complaint, I filed a grievance, and it went to  
9       him, Booker, and he came back and said, "Your grievance  
10      was unfounded."

11 Q And that had to do with whether or not -- the  
12 response from Ms. Shipp with regard to parole  
13 eligibility --

14 A Correct.

15                   Q        -- the grievance with respect to that,  
16    correct?

17           A       And policy. It was saying something about the  
18 policy. The policy prohibited me from receiving  
19 treatment.

20 Q And during that time, around the time of  
21 these -- of that complaint and grievance, had you been  
22 told by Ms. Shipp and Dr. Martinez or Moreno that your  
23 APRI scores did not meet the criteria for treatment?

24           A        Yeah. They had always been saying that, you  
25 know, in various different conversations. yeah.

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1 were born in June of 1956?

2 A Yes.

3 Q And where were you born?

4 A Lynchburg, Virginia.

5 Q And what was the grade -- the highest grade  
6 you completed in school?

7 A Tenth.

8 Q Which school did you go to?

9 A E. C. Glass.

10 Q I was asking because I grew up in Lynchburg  
11 and I was curious.

12                           And then from E. C. Glass, is that when you  
13 went on to Woodrow Wilson Center?

14 A Yeah, I believe so. Uh-huh.

15 Q And where is the Woodrow -- or where was the  
16 Woodrow --

17 A In Fishersville, Virginia.

Q Where do your sisters and your daughter live?

19           A       In Lynchburg. My daughter lives in Madison  
20 Heights, but my sisters live in Lynchburg.

Q Do your sisters or your daughter have any medical training that you know of?

23 A No.

24 Q They're not nurses --

25 A NO.

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1 hepatitis C?

2 A Here. I was here when I was told that.

3 Q Do you recall what year?

4 A 2013, maybe, 2012, somewhere back there, when  
5 I was told that.

6 Q Okay. And then you also talked about a time  
7 when you were in trade school and you had an illness?

8 A Yes.

9 Q And you said you were afraid to see a doctor  
10 when you had that illness. Can you help me understand  
11 why that was?

12 A Well, we was at a -- I was at a coed facility,  
13 young, very young, and I had a high-risk lifestyle, you  
14 know, drinking, drugging, and so I got sick, and I didn't  
15 know what it was, and so, you know, I was a child. I  
16 just stayed to myself thinking it would just -- you know,  
17 it will pass. And I kept getting sicker and sicker, and  
18 I started to the infirmary, but I was scared, and so I  
19 went back to my room and stayed in my room.

20 Q Scared of --

21 A I had a little room.

22 Q Scared of what you would find out if you went  
23 to the doctor?

24 A I was just scared generally. I didn't know --  
25 you know, I was just -- I was just scared.

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1 the next time that you had symptoms that you now  
2 attribute to hepatitis C?

3           A       I had been -- I was passing out. I was here,  
4   and I'm running around the field, and all of a sudden I  
5   just black out, and I wake up in medical. "What's wrong  
6   with you?"

7                    "I don't know. I don't even know what's going  
8    on with me."

9 And so I had toenail fungus, and so

10 Dr. Martinez gave me some medication for it. He tested  
11 my liver, but he didn't tell me anything. And so I went  
12 on taking these pills, and so Dr. Harrison, she came  
13 after Martinez left, and she said, "I can't" -- "You  
14 can't take these pills. They could kill you."

15 So I'm saying, "What's going on with that?"  
16 So I'm thinking she's just trying to take the medicine,  
17 so I'm arguing with her about that.

18                           And she said, "No. You got hepatitis C" --  
19 no. She said, "You got hepatitis, and we don't know what  
20 kind it is." And so she said, "I've got to test you."  
21 And then when it came back, she said, "You have  
22 hepatitis C. I've got to give you the treatment."

23                    0        And that was in 2013?

24 A Correct.

25 Q Okay. When was it that you passed out?

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1 A I passed out about three different times.  
2 Q When was the first time?  
3 A This is '18. I passed out about 2004, I think  
4 I passed out. I passed out again two-thousand, maybe  
5 ten. And I passed out again 2012, somewhere in there.

6 Q And has anyone ever told you that those  
7 instances of passing out in 2004, 2010, and 2012 are  
8 attributable to hepatitis?

9           A       They just told me they don't know what's wrong  
10          with me.

11 Q You mentioned some other symptoms that you  
12 attribute to hepatitis, and I think you mentioned joint  
13 pain, exhaustion, pains in your lower stomach, and  
14 dizziness.

15 A Yeah.

16 Q Have any of the healthcare providers that  
17 you've seen in the past 30 years told you that these  
18 specific symptoms are attributable to hepatitis, or is  
19 that your understanding?

20 A One nurse told me it was.

21 Q Which nurse?

A Her name was Amy Williams. She told me that.

23 Q And was that here at --

24 A Here.

25 Q -- BCC?

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Do you know how to spell "Wims"? Is it --

2                   A           W-i-l-l-i-a-m-s, Williams.

3 Q Williams.

4 A Yeah. What did I say? Did I say it funny?

5 Q I just heard you wrong.

8           A       I had filed a complaint about these problems  
9       that you just described, and she filled out this form and  
0       told -- when she was filling this form out for a  
.1       referral, she told me this was related to my hepatitis C.

12 Q Do you know what year that would have been?  
13 In the past three years? Five years?

14               A        It's in the file. This is '18? This was  
15 in '15, '16, somewhere in there.

16 O How long have you had joint pain?

17           A       I had them during the -- before I was taking  
18 the interferon, and then it just has been continuing.

19 Q How many -- so you took the interferon  
20 in 2013-2014, right?

21 A Uh-huh.

23                  A        I believe about a year. I believe about a  
24 year.

25 O What about exhaustion? How long have you had

Page 75

1 that?

2           A       It's been coming. It's been gradual, and it's  
3 getting worser. That has been coming. So I'm thinking  
4 I'm just getting old, but there's more to it than that,  
5 I'm sure.

6 Q And I understand it can be kind of hard to put  
7 a point on it, but to the best of your ability to do so,  
8 can you remember a time frame when you started noticing  
9 that more than you had?

10           A        Yeah. I started having it around '12. I  
11    started --

12 Q 2012?

13 A -- getting more dizzier and more tireder than  
14 I normally -- had been normally experiencing.

15 Q What about the pains in your lower stomach?  
16 When did they start?

17 A They come and go. It varies.

18 Q Do you --

19 A Sometimes it's there and sometimes it's not.

20 Q Do you remember the first time you noticed  
21 that?

22 A It started happening around late '15.

23 Q Okay. And you haven't passed out since 2012;  
24 is that right?

25 A No. I passed out -- it was -- I think '14,

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1 maybe, I passed out. And I also -- I had this attack. I  
2 had this -- I'm now told it was called vertigo. The  
3 whole room started spinning, and I just didn't know what  
4 was happening. And Dr. Moreno said it was part of the  
5 hepatitis C also.

6 Q And did --

7 A So I checked into medical. I stayed over  
8 there a couple of days until I calmed down some.

9 Q When was that?

10 A That was in '15.

11 Q Okay. You were trained as a welder?

12 A Yes.

13 Q Have you worked in prison as a welder too?

14 A Yes.

15 Q Could you kind of tell me what you've done  
16 occupationally when you've had -- in the time that you've  
17 been in prison? Walk me through that.

18 A Well, I worked for the School Authority, and I  
19 taught welding. I was a teacher's aide. Some guys come  
20 in, and I just basically show them how to weld.

21 Q For how long did you do that?

22 A Two years.

23 Q And when was that? When you first got here,  
24 or more recently?

25 A No. That was -- that was 2000 -- let me see.

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1 That was about eight years ago I did that, seven -- six  
2 to eight years ago.

3 Q And you said you thought you did that for a  
4 couple of years?

5 A Uh-huh. Until the instructor retired.

6 Q What have you done in the interim, in the most  
7 recent six to eight years? Have you -- do you have a --

8 A I take pictures.

9 Q What kind of pictures do you take?

10           A       I'm the -- don't laugh. I'm the Buckingham  
11     photographer. I take everybody's pictures.

12 Q And can you help me understand, as someone who  
13 doesn't understand anything about how this works, how you  
14 got into that job?

## 15 A How I got the job?

16 Q (Nodding head.)

17           A       I would -- I asked for the job, and they gave  
18       it to me. So I take pictures in the visiting room four  
19       hours on Saturdays and Sundays. I sit down, get up, take  
20       a picture. That's about it. And then on the weekend, on  
21       Sundays, I take pictures for the population for about an  
22       hour.

23 Q Do you feel like there are things that you  
24 used to be able to do that you can't do now because of  
25 hepatitis C?

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1           A       Because of my energy, I -- yeah, there's a lot  
2   of things I can't do.

3 Q Like what?

4 A I used to love running. I can't run anymore.

5 I can't lift weights because I get dizzy and tired quick.

6 The last time I ran, I fell out. I passed out. That's

7 where I was. They came and got me off the field. So let

8 me back that up. I was trying to run, and I got dizzy,

9 and I fell out. That was the last time I ran, really. I

-0 just don't have the energy to do a lot of things, so ...

Q What else besides running and lifting weights?

12 A Well, I go to work, and I get tired real

13 quick, so I have to stop and go lay down and sleep for a  
14 little while, and I come back, or I might go to sleep  
15 wherever I'm at for a little while. I don't do any hard  
16 work, so -- I don't think I can, so ...

17 Q I think you --

18 A I take medication for my joint pains.

19 Q What medication do you take?

20 A Pain pills.

21 Q Does it help?

22 A Yeah. I've been taking them for a while.

23 And I have -- oh, I have these sudden

24 breakouts, skin -- all on my skin. I don't know where

25 they come from. They just pop up, and there they go. So

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1 I take -- I put these hormone creams on there, and  
2 they're very painful. They'll go away.

3 Q Has anyone ever told you that that breakout is  
4 from hepatitis?

5 A I asked him, "Where is it coming from?"  
6 "We don't know." And they just give me these  
7 creams. But I'm constantly getting them. I'm on them  
8 now, and the pain medication.

9 Q Okay. How long have you been getting the  
10 rashes, or when was the first time you got one?

11 A I've been getting them, honestly, around --  
12 about '15 they started breaking out on me.

13 Q 2015?

14 A Yeah. My whole side is covered with bruises  
15 and -- and -- from those rashes.

16 Q I think this is where I do the jumping around  
17 a little bit. I think you said you heard in 2014 that  
18 you had cirrhosis; is that right?

19 A The blood work came back and said that I had  
20 it.

21 Q Has anyone ever told you since 2014 that you  
22 have cirrhosis?

23 A Since then?

24 Q Right.

25 A No. It goes away? Does cirrhosis go away?